

Protecting the plain packaging consultation from tobacco industry interference

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Tobacco products have been shown to lose some of their appeal when colours, images and brand names are removed from packaging.¹ The tobacco industry, however, is well known for opposing plain-packaging initiatives. It has spread misinformation, commissioned junk science and sought to influence policy-makers through think tanks and other third parties.² On Aug. 31, 2016, the Canadian government's public consultation on plain and standardized packaging for tobacco products, the first step toward implementing this effective public health measure, will close. The government must guard against tobacco industry interference during the consultation and the legislative process to follow.

During the mid-1990s, Canada was poised to become the first country to adopt plain packaging. Tobacco companies vociferously argued that the measure would violate Canada's obligations under international trade and intellectual property agreements. Internal industry documents, which became available years later, revealed a well-orchestrated campaign based on the "misrepresentation of international trade law."³ The industry succeeded in creating enough fear of an expensive legal battle to make lawmakers back away.

When the Australian government took up plain packaging more recently, adopting legis-

lation in 2011, tobacco companies again tried to use trade law and intellectual property rights to thwart public health efforts. After these legal challenges failed, tobacco companies turned to disseminating misinformation through think tanks and other allies. For instance, British American Tobacco commissioned research by KPMG that suggested a rise in tobacco smuggling in Australia after the new policy was introduced.⁴ However, peer-reviewed research not funded by industry found that such studies had flawed methodologies and that plain packaging did not increase smuggling.⁵ Tobacco companies also claimed that plain packaging was ineffective, citing reports by Sinclair Davidson,^{6,7} a senior research fellow at the Institute of Public Affairs (Australia), a think tank that has admitted receiving tobacco industry funding in the past.⁸ Cancer Council Victoria described Davidson's reports as factually erroneous, heavily biased and lacking statistical significance.⁹

The industry has begun to deploy troubling tactics in Canada. One CBC article quoted Julian Morris of the Reason Foundation, a US think tank that received industry funding throughout the 1990s.¹⁰ Nondisclosure of funding sources means it is not possible to know whether the Reason Foundation still receives industry funding, but the quotation in the news article raises concerns about undeclared conflicts of interest. Morris questioned the effectiveness of plain packaging by referring to Davidson's questionable Australian research. Indeed, Davidson has been widely covered in the Canadian media making familiar (and independently disproven) claims about plain packaging that would seem to be supported by industry.¹¹ The media fail, however, to mention critiques of his work or his industry ties.

Using similar arguments, the Canadian Convenience Stores Association produced a press release, which stated that plain packaging "will have unintended consequences for small business owners and Canadians, which will undermine tobacco cessation initiatives."¹² It is notable that, at the time of writing, the website of

KEY POINTS

- In May 2016, the Canadian government announced a public consultation on plain and standardized packaging for tobacco products, which closes on Aug. 31, 2016.
- When the Australian government introduced plain packaging in 2011, tobacco companies tried to use trade law, intellectual property rights and biased research by allied institutions to thwart the initiative.
- Troubling tactics are now being deployed in Canada, with individuals and organizations with known links to the tobacco industry speaking against plain packaging in the media.
- The Canadian government must require any individual or organization making a submission to the federal consultation to declare potential conflicts of interests, including funding sources, and must require that any claims made in submissions be substantiated by peer-reviewed evidence, with transparent methodologies, non-industry-linked data sources and clear funding declarations.

this association listed the Canadian subsidiaries of British American Tobacco (Imperial Tobacco), Japan Tobacco International (JTI-Macdonald) and Philip Morris (Rothmans, Bensons & Hedges) as associate members, and the association's spokespersons have acknowledged funding from tobacco companies in the past. The position of the Canadian Convenience Stores Association mimics that of its Australian counterpart, the Alliance of Australian Retailers, which (according to leaked documents) was set up as a front group by Philip Morris to create the impression of a grassroots campaign against plain packaging.¹³

The Canadian media should remember their important role in challenging industry-affiliated sources regarding their conflicts of interest, and should guard against simply becoming vehicles for industry misinformation. Public health advocates must engage with the media to counter these spurious claims, critique weak research and share evidence regarding the strengths of public health measures such as plain packaging. The Canadian government must learn from the past and from international lessons. In particular, the government must require any individual or organization making a submission to the federal consultation to declare potential conflicts of interests, including funding sources, and must require that any claims made in submissions be substantiated by peer-reviewed evidence, with transparent methodologies, non-industry-linked data sources and clear funding declarations.

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